



Planimetrics

70 County Road, Simsbury, CT 06070 860-913-4080

MEMORANDUM

To: Planning & Zoning Commission
Town of Darien, CT

From: Glenn Chalder, AICP

Date: February 6, 2018

Subject: **Sign Regulations**

Following up on the meetings in July 2017 and October 2017, this booklet provides specific regulatory language to update the sign regulations.

As was discussed previously, the key objectives of revising the sign regulations include:

1. Retain Darien's practice of quality sign design.
2. Provide clarity and user-friendliness.

COLOR LEGEND USED IN THIS DOCUMENT

Blue Text	Text from the current Darien Zoning Regulations
Black Text	Text changes proposed for PZC consideration
Highlight Text	An issue highlighted for possible PZC discussion
Red Text	Text changes

Major Concepts

1. Sign Area	Move towards sign area as a <u><i>proportion of building façade</i></u> rather than limiting letter height
2. Sign Area	Reflect a difference in signage function (and area) between <u><i>pedestrian-oriented</i></u> areas and <u><i>automobile-oriented</i></u> areas
3. Visual Gallery	Provide a visual gallery of the types of signs permitted in the different zoning districts.
4. Sign Content	Move away from regulating sign content due to recent US Supreme Court decision in <u><i>Reed v Gilbert</i></u> .
5. Sign Location	Provide some flexibility on sign locations (setbacks, etc.)
6. Non-Conformities	Reflect recent changes in State statutes (PA 17-39) that provide greater protection for non-conformities.
7. Sign Process	<p>Seek to simplify the sign approval process and shorten the timeframe:</p> <ul style="list-style-type: none"> • Encourage pre-approval of a sign theme by the Architectural Review Board (ARB) • Allow a sign permit to be approved by the Zoning Official in certain situations: <ul style="list-style-type: none"> ○ Consistent with approved sign theme ○ Consistent with previous sign ○ Consistent with other signs on the building

Conforming Or Not?

(351 Post Road)



ARTICLE IX - SUPPLEMENTARY REGULATIONS

SECTION 930. SIGN REGULATIONS

931. Purpose / Applicability

It is the purpose and intent of this section to:

1. Accommodate signs for identification, direction, and as a form of communication;
2. Protect the public safety by regulating the size, height, location and lighting of signs in order to avoid undue distractions to motorists and pedestrians;
3. Maintain and enhance the aesthetic and historical values of the community by regulating the size, height, location and lighting of signs and by establishing standards for signs that are well designed and pleasing in appearance with good design relationship and materials;
4. Aid in implementing the strategies in the Plan of Conservation and Development related to maintaining and enhancing community character, and
5. Provide a reasonable and comprehensive system of sign controls to provide for fair and equal treatment of all sign users.

These Sign Regulations are intended to avoid regulating the “content” of signs but are intended to place restrictions on the time, place, and manner (when, where, and how) of signage so that the purposes stated above may be accomplished. This includes restrictions on size, height, location, and number of signs that may be displayed.

Unless specifically allowed as provided within Section 934, no sign shall be established, constructed, reconstructed enlarged, moved or structurally altered except in conformity with these Regulations and until a sign permit, if required by this section, has been issued.

It is proposed that existing Section 920 be repealed.

It is proposed that new Section 930 be used to avoid any confusion with prior section numbering.

Section 931 is all new text identifying the benefits and impacts of signage and the importance of finding a balance.

Procedural provisions have been eliminated from the purpose section.

932. Categorization of Zoning Districts

For the purposes of Section 930, zoning districts in Darien shall be categorized as follows:

Category	Current Districts	Possible Districts	Future Districts
Pedestrian-Oriented Business Districts	CBD, CBD-CS, NHR	CBD, CBD-CS, NH	
Automobile-Oriented Business Districts	DC, DB-1, DB-2, SB, SB-E, NB	DB, SB, NB	
Office Districts	OB, DOR-1, DOR-5	DO	
Single-Family Residential Districts	R-2, R-1, R-1/2, R-1/3, R-1/5, R-NBD	R-2, R-1, R-1/2, R-1/3, R-1/5, R-NBD	
Multi-Family Residential Districts (1)	DMR, 3.7AH, DCR	DMR, 3.7AH, DCR	
Other Districts	PR, MU	PR, MU	

Notes:

1. Regardless of the underlying zone, any multi-family development in the DBR district (overlay) shall be considered a multi-family residential district for the purposes of Section 930.

Section 932 is new text to distinguish between signage designed for pedestrian-type places versus automobile-type places.

The table identifies the current business zoning districts and the possible future business zoning districts.

The Commission could proceed with either column or with both columns.

933. Sign Measurement

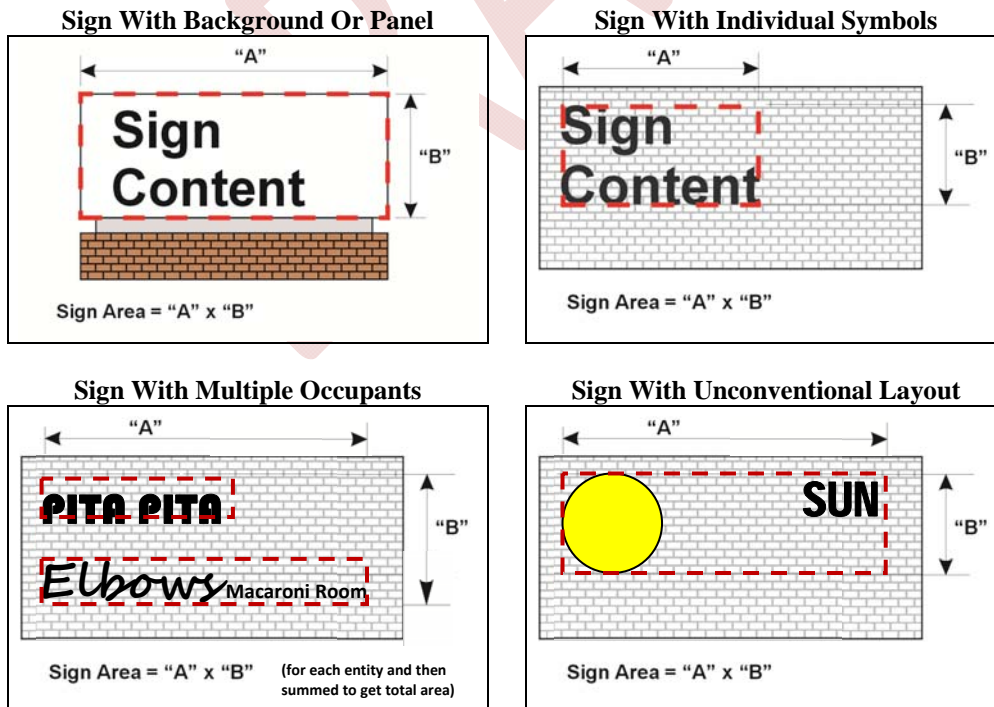
1. Sign area shall be measured as provided below:
 - a. In the case of any sign consisting of one or more sign panels (or a **background different from the building** where the background is considered by the ZEO to be an **integral part of and clearly related to the sign**), the sign area shall be the **smallest rectangle** which encompasses the sign panel and all of the **lettering, wording and accompanying designs or symbols**.
 - b. In the case of any sign consisting of **individual letters or symbols** affixed to, **attached to, or painted on** a **wall, window, or** other part of the building, the sign area shall be the **smallest rectangle which encompasses all of the letters or symbols** and accompanying designs.
 - c. In the case of a detached sign, the sign area shall not include the **vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign**.
2. Sign height shall be measured from the average ground elevation around the base of the sign.

Section 933 describes how sign area will be measured.

Where there is a sign background, the sign area will be determined by the area of the background.

Where the signage does not have a background, the sign area will be determined by the rectangle encompassing the letters and symbols.

Measurement of Sign Area



934. Signs Permitted Without A Sign Permit

The following signs are permitted without a sign permit subject to the listed standards:

1. <u>Basic Identification – Type Signs</u>	
a. Residential <u>Zone</u> Identification	<u>In a single-family residential district, residential identification signage (such as identifying the occupant of a residence, an authorized home-based business, street number, and/or similar information) provided all such signage shall not exceed two square foot in sign area.</u>
b. <u>Other Zone</u> Identification	<u>In a business or office district, one (1) non-illuminated sign located at or very close to the entrance door for business identification (such as identifying the name of the business, street number, business hours, phone number, web address, and/or similar information) provided all such signage shall not exceed one square foot in sign area.</u>
c. <u>Other Zone</u> Identification	<u>In any zoning district other than a single-family residential district or a business or office district, identification signage (such as identifying the owner or occupant, street number, and/or similar information) provided all such signage shall not exceed one square foot in sign area.</u>

Section 934 identifies signs which are exempt, allowed, or prohibited. This arrangement is used so that Section 935 will be for signs that will require a sign permit.

Section 934.2 identifies signs which are exempt from Section 930 and will not need a sign permit or ARB review.

Based on recent court decisions, political / ideological signs are allowed subject to restrictions on time, place, and manner

2. <u>Public Expression – Type Signs</u>	
a. Political / Ideological Signs	<u>Political or ideological signage provided:</u> <ul style="list-style-type: none"> <u>the total area of all such signage shall not exceed 32 square feet in sign area on any one property.</u> <u>such signage shall be located on private property (not within a public or private right-of-way) so as to not obstruct sight lines or interfere with pedestrian or vehicular traffic.</u> <u>such signage shall not be displayed for more than sixty (60) consecutive days.</u>
b. No Trespassing Signs	One (1) trespassing warning sign not exceeding one square foot in area and no more than one sign per <u>each</u> 200 feet of property <u>perimeter</u> .

3. <u>Temporary Signs (in addition to any other sign permitted by these Regulations)</u>	
a. Real Estate Sign(s)	<p>One (1) temporary sign per lot <u>indicating that the property is for sale or lease provided:</u></p> <ul style="list-style-type: none"> • <u>The cumulative area of any sign (including any added panels) shall not</u> exceed four (4) square feet in area. • <u>No such sign shall be affixed to any tree or utility pole; be located within a public or private right of way; or obstruct</u> a necessary sight line <u>or pedestrian way.</u> • No part of the sign shall be located more than eight (8) feet above the adjacent ground level. • Any such sign shall be removed upon sale or lease.
b. Tag Sale Signs	<u>Temporary directional signs for “tag sales” in accordance with Town ordinance.</u>
c. Construction Sign	<p><u>One (1) temporary sign per lot indicating that the property is undergoing improvement provided:</u></p> <ul style="list-style-type: none"> • <u>Such sign shall only be displayed during</u> the course of work or construction on the premises, one temporary sign <u>per property.</u> • <u>Such sign</u> not exceed three (3) square feet in area. • <u>Such</u> sign shall be setback at least 30 feet from the edge of the road surface and shall not be affixed to any tree or utility pole within a public right-of-way.
d. Special School Events	A temporary sign displayed on public school grounds in connection with Board of Education regulated activities subject to requirements of <u>Subsection 936.</u>

4. <u>Public Service – Type Signs</u>	
a. Government Signs	An official federal, state or local government sign or notice issued by any court, person or officer in performance of a public duty.
b. Public Traffic Control Signs	Any sign erected by the town, state or federal government or any branch or department thereof relating to traffic safety.
c. Public Safety Signs	A sign deemed necessary by the Traffic Authority, Police Department, or Public Works Department or otherwise necessary for warning the public of construction, excavation, or similar hazards within the public right-of-way or on property used by the public.
d. Transit Signs	Signs identifying transit stops, facilities, times, routes, and similar information.
e. <u>Historic Landmark Sign</u>	Any sign erected by the town, state or federal government or any branch or department thereof identifying an historic landmark or similar public interest site provided that such sign has been reviewed by the Architectural Review Board.
f. Historic Plaque	Historical plaques not exceeding two square feet in size affixed to structures.
g. Community Event Banners	Banner signs notifying residents of upcoming community events sponsored by public or private organizations when any such banners are approved by the Monuments and Ceremony Committee. Such signs may be posted up to 30 days in advance of the event and shall be removed within 3 days after the event.

5. <u>Other Signs</u>	
a. Signs Not Visible	Signs on a property, whether inside or outside a building, not visible and/or not legible from any public roadway or from adjacent property.
b. Temporary Window Signs	<p>One or more temporary window signs painted directly on a window, affixed to the inside of a window, or hung within three feet of a window provided:</p> <ul style="list-style-type: none"> No sign shall be displayed more than 30 consecutive days, The total area of all such signage shall not exceed 25 percent of the window surface it relates to. .
c. Vehicle Sign(s)	Any sign displayed on a vehicle provided that any such vehicle shall be in the least conspicuous location when parked at the site of the business.
d. Seasonal Decorations	Temporary (non-commercial wording) holiday decorations or lighting.

935. Signs Permitted With A Sign Permit

The following table summarizes what types of signs are allowed in which districts. Details are found in the remainder of Section 935.

For number of signs allowed, see Section 935.A.

	Pedestrian-Oriented Business Districts	Automobile-Oriented Business Districts	Office Districts	Single-Family Residential Districts	Multi-Family Residential Districts	Other Districts
B. ATTACHED SIGN						
1. Business Wall Sign - Primary	☑	☑	☑			
2. Business Wall Sign - Secondary	☑	☑				
3. Parallel Blade Sign	☑	☑				
4. Perpendicular Blade Sign	☑					
5. Awning Sign	☑	☑				
6. Permanent Window Sign	☑	☑				
7. Wall-Mounted Directory Sign	☑	☑	☑			
C. DETACHED SIGN						
8. Hanging Sign	☑	☑	☑			
9. Monument Sign	☑	☑				
10. Pole Sign		☑				
11. Directory Sign		☑	☑			
12. Fuel Price Sign	*	*				
D. OTHER SIGN						
13. Special Permit Use Sign				☑		
14. Multi-Family Development Sign	☑	☑	☑	☑	☑	☑

Section 935 is a sign gallery intended to illustrate which types of signs are allowed in which districts:

- Pedestrian-oriented
- Automobile oriented
- Office
- Residential
- Other

A. Number Of Signs Allowed

With regard to the signs depicted in Subsection 935, the following limitations apply:

Category	Number And Type Allowed
Pedestrian-Oriented Business Districts	<ul style="list-style-type: none"> One <u>attached</u> (building-mounted) sign per tenant although some ground floor uses may be eligible for a second building-mounted sign in accordance with Section 935.2 One detached hanging sign per property may be permitted: <ul style="list-style-type: none"> In lieu of a building-mounted sign for a single occupant building In addition to building-mounted signs in a multi-occupant building provided the ARB approves the overall signage arrangement and establishes sign sizes
Automobile-Oriented Business Districts	<ul style="list-style-type: none"> One <u>attached</u> (building-mounted) sign per tenant although some ground floor uses may be eligible for a second building-mounted sign in accordance with Section 935.2 One detached hanging sign may be permitted per property provided the ARB approves the overall signage arrangement and establishes sign sizes Fuel stations may have one building-mounted sign, one detached hanging or monument sign, and one fuel price sign
Office Districts	<ul style="list-style-type: none"> One <u>detached</u> ground / monument sign per property and one <u>identification</u> sign per building and one directory sign per building (<u>one of which building signs may be detached</u>)
Single-Family Residential Districts	<ul style="list-style-type: none"> N/A
Multi-Family Residential Districts (1)	<ul style="list-style-type: none"> One sign per property
Other Districts	<ul style="list-style-type: none"> One sign per property

Notes:

- Where so indicated in the Sign Gallery, multiple signs per property may be approved by the Architectural Review Board (ARB).

Limitations on letter height have been relocated to Section 936 and stated as guidelines for ARB rather than strict limitations.

This change is recommended for consideration since the letter height limitation may not work in some situations, particularly in automobile-oriented locations.

B. Attached Signs

1. Business Wall Sign - Primary	
a. Maximum Sign Area	<ul style="list-style-type: none"> 0.33 square foot of signage for each <u>one lineal foot of building frontage facing the primary street</u> in a pedestrian-oriented district. One square foot of sign area for each <u>one</u> lineal foot of building frontage facing the <u>primary</u> street in an automobile-oriented district, <u>not to exceed XX SF</u>.
b. Design Parameters	<ul style="list-style-type: none"> No primary wall sign shall project more than 12 inches from the face of the building wall to which it is attached. No sign on a wall shall be more than 15 feet above the curb level or the ground level, whichever is higher, of the fronting street, nor extend above the eaves line or highest point of the facing wall of the building.

Business Wall Signs - Primary

Sign Panel



Individual Characters



2. Business Wall Sign - Secondary	
a. Maximum Sign Area	<ul style="list-style-type: none"> Six square feet The primary sign area and the secondary sign area may be combined and allocated as desired provided the secondary sign is not larger than the primary sign.
b. Design Parameters	<ul style="list-style-type: none"> One secondary sign per demised tenant space when <u>such</u> tenant space: <ul style="list-style-type: none"> adjoins a second public street and such secondary signage shall <u>face</u> the second street, or adjoins a <u>publicly-owned parking lot</u> and maintains a <u>direct entrance</u> thereto <u>provided such signage shall be visible from the public parking lot</u>. Unless otherwise authorized by ARB <u>(such as for a blade or awning sign)</u>, no secondary wall sign shall project more than 6 inches from the face of the building wall to which it is attached.

Business Wall Signs - Secondary

Corner Building



Rear Access



3. Parallel Blade Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Six (6) square feet in a pedestrian-oriented district Twelve (12) square feet in an automobile-oriented district
b. Design Parameters	<ul style="list-style-type: none"> Generally oriented parallel to building façade. Generally hung from an overhang of a covered porch or walkway. Intended for a ground floor tenant in lieu of (not in addition to) a wall sign Multiple occupancy buildings may combine individual sign panels of similar design into an overall design subject to the sign area limitation and ARB approval.

Parallel Blade Sign

Single Panel



Multiple Panels



4. Perpendicular Blade Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Six (6) square feet.
b. Design Parameters	<ul style="list-style-type: none"> Generally oriented perpendicular to building façade. Generally hung from a wall. Intended for a ground floor tenant in lieu of (not in addition to) a wall sign The bottom of the blade sign shall not be less than seven (7) feet above the adjacent ground. No blade sign shall project more than forty (40) inches from the wall or surface to which it is affixed. The blade sign may overhang a public sidewalk/street right of way by a maximum of three feet provided the applicant obtains written permission from the owner of the affected property (the Town of Darien Board of Selectmen or State of Connecticut Department of Transportation, depending on the owner of the sidewalk/street right of way). No blade sign shall be internally illuminated..

Perpendicular Blade Signs



5. Awning Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> 0.33 square foot of signage for each one lineal foot of building frontage facing the primary street in a pedestrian-oriented district. One square foot of sign area for each one lineal foot of building frontage facing the primary street in an automobile-oriented district, not to exceed XX SF.
b. Design Parameters	<ul style="list-style-type: none"> Minimum clearance of 7 feet to pedestrian space. The awning sign may overhang a public sidewalk/street right of way by a maximum of three feet provided the applicant obtains written permission from the owner of the affected property (the Town of Darien Board of Selectmen or State of Connecticut Department of Transportation, depending on the owner of the sidewalk/street right of way).

Awning Sign



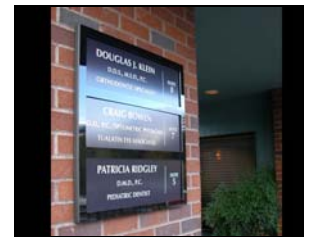
6. Permanent Window Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Shall not exceed 30 percent of the window surface to which applied unless otherwise approved by ARB
b. Design Parameters	<ul style="list-style-type: none"> Etched or affixed to interior of glass May be in addition to other permitted signage when design approved by ARB Shall not obscure the view into the place of business unless design approved by ARB

Permanent Window Signs



7. Wall-Mounted Directory Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Six square feet (<u>sign area not restricted if sign located inside building and not legible from a public street</u>)
b. Design Parameters	<ul style="list-style-type: none"> One per building entrance in a multi-tenant building or a multi-building property Located next to entry door Shall not project more than three inches from a wall Not legible from a public street or, if legible, oriented away from a public street May be located inside building lobby

Wall-Mounted Directory Sign



C. Detached Signs

1. Hanging Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> • Six square feet in a pedestrian-oriented district • Twelve (12) square feet in an automobile-oriented district • Twelve (12) square feet in an office district
b. Design Parameters	<ul style="list-style-type: none"> • May use a single post or be supported by two posts • Maximum height of sign / posts shall not exceed nine (9) feet • Shall <u>not extend over any property line or a public or private right-of-way.</u> • Limited to <u>one hanging sign per property</u> in lieu of a wall sign. • Multiple occupancy buildings may use one combined hanging sign listing occupants.

Hanging Signs



2. Monument Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> • Twenty (20) square feet • A hotel sign may be up to fifty (50) square feet in area
b. Design Parameters	<ul style="list-style-type: none"> • Maximum height shall not exceed six (6) feet • In an office district, a monument sign shall be in lieu of a wall sign • Integrated sign face / sign base • Multiple occupancy buildings may identify the property or may have a monument sign listing all occupants. • One per property <u>although a</u> second monument sign (up to 25 square feet in area) may be authorized by the PZC by Special Permit when there are multiple driveways, a restaurant accessory to a hotel), or other unique site characteristics

Monument Signs



3. Pole Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Eighteen (18) square feet per side A hotel sign may be up to fifty (50) square feet in area
b. Design Parameters	<ul style="list-style-type: none"> One per property unless otherwise authorized by PZC by Special Permit Shall not exceed a height of 15 feet overall above the surface of the ground where located. There shall be clear space underneath the signage of at least seven feet measured above the center line of the intersecting street to the bottom of the sign. In the case of gas stations, pole signs shall be no closer to a public street than the gas service island.

Pole Signs



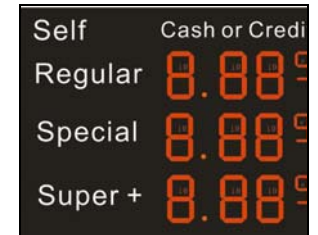
4. Directory Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Approval of design by ARB to serve intended purpose
b. Design Parameters	<ul style="list-style-type: none"> One per property in location approved by PZC In an office district, no letter or figure shall be higher than four inches

Directory Signs



5. Fuel Price Sign	
c. Maximum Sign Area	<ul style="list-style-type: none"> Six square feet
d. Design Parameters	<ul style="list-style-type: none"> One per property when accessory use to an operating fueling station May be physical numbers or digital display Shall not be located on canopy or building Shall not be located between the gas island and the street

Fuel Price Signs



D. Other Signs

1. Special Permit Use Sign	
a. Maximum Sign Area	<ul style="list-style-type: none"> Twelve (12) square feet.
b. Design Parameters	<ul style="list-style-type: none"> May be of any type (wall, detached, etc.). May identify a use or facility permitted by Special Permit in a Single-Family Residential District (such as a place of worship or a private school). Multiple signs per property may be authorized by the Architectural Review Board (ARB) based on site-specific circumstances and overall sign design.

Special Permit Use Signs



2. Multi-Family Development Sign	
c. Maximum Sign Area	<ul style="list-style-type: none"> Six (6) square feet.
d. Design Parameters	<ul style="list-style-type: none"> May be of any type (wall, detached, etc.). Identifies a multi-family residential development. May be installed in any other zoning district when property is used for a multi-family residential development. Multiple signs per property may be authorized by the Architectural Review Board (ARB) based on multiple driveways or other site-specific circumstances and overall sign design.

Residential Development Signs



1. Temporary Business Promotion Sign	
c. Maximum Sign Area	<ul style="list-style-type: none"> 18 square feet
d. Design Parameters	<ul style="list-style-type: none"> A temporary sign for special events such as openings, new management, and special promotional events. One (1) banner installed flat on the front wall Allowed for a seven day period not to exceed once in a 12 month period

Temporary Business Promotion Signs



2. Temporary Application Pending Sign	
e. Maximum Sign Area	<ul style="list-style-type: none"> As permitted in the District
f. Design Parameters	<ul style="list-style-type: none"> A temporary identification sign which may be displayed during the period from the submission of a complete application for a permanent sign until 30 days after action has been taken on the application Such temporary sign shall: <ul style="list-style-type: none"> conform with all dimensional regulations, and be displayed in such a manner which <u>is consistent with the proposed sign.</u>

936. Additional Provisions

Section 936 outlines additional signage provisions.

1. Design Guidelines–

- a. Signs shall be compatible with the architectural style of the building to which they relate and shall enhance the historic and architectural character of the site and the surrounding area.
- b. In an integrated shopping center, all store units in the same building or in separate buildings shall have a uniform design and placement of signs.
- c. When reviewing sign designs, the ARB may consider the following:
 - i. The location, height, and width of the sign and/or sign panel in relation to the building.
 - ii. letter height in relation to the proximity of the building to the street, the speed of traffic, the apparent angle of the sign to the sidewalk or street, and other relevant factors.
 - iii. the illumination of the sign and its appropriateness given the location of the site and surrounding uses.

Section 936.1 outlines sign design guidelines. These are not specific requirements but are considerations for the ARB to consider when a sign application comes to them.

2. Sign Theme –

- a. As part of the review for any new building construction or exterior modifications to a building, the Architectural Review Board shall review and endorse a sign concept (size, shape, materials, color, lighting, location) submitted by the applicant.
- b. Notwithstanding the above, a property owner may at any time submit a sign concept (size, shape, materials, color, lighting, location) to the Architectural Review Board for review and approval.
- c. Where no sign theme has been endorsed by the Architectural Review Board, all signs shall be of compatible shape, lettering, materials, and placement on the building unless otherwise authorized by the Architectural Review Board (ARB).

Section 936.2 provides for the establishment of a sign theme and approval of the-at theme by ARB. This will allow signage consistent with the approved theme to obtain a sign approval sooner.

3. **Sign Content**– A sign otherwise authorized by these Sign Regulations may contain non-commercial content, provided that the sign otherwise conforms to the provisions set forth in these Sign Regulations.

Section 936.3 outlines non-commercial content to be used on any sign.

4. **Sign Location**–

- a. A sign shall be affixed only to that portion of a building or structure which encloses the use to which the sign pertains.
- b. No sign shall be erected or placed in such manner so that it obstructs clear vision or safe movement for a motorist entering or exiting any intersection.

Section 936.4 outlines provisions related to sign location.

Section 936.5 outlines provisions related to sign setbacks and orientation

5. **Setbacks And Orientation**–

- a. Provided the location does not obstruct sight lines or pedestrian or traffic movement and does not create a hazard of any type, ground signs, pole signs and monument signs may be placed within the setbacks required for buildings and structures.
- b. No ground sign or pole sign in a business district or an office district shall be located within less than 40 feet of any Residential Zone boundary line.
- c. Where a lot abuts or is within 100 feet of the right-of-way of the Connecticut Turnpike, no sign on such lot shall be erected which faces or is primarily intended to be visible from the Connecticut Turnpike.

Sections 936.6 outlines provisions related to external illumination of a sign.

6. **External Illumination** - Signs may be externally illuminated provided:

- a. The illumination shall be white light,
- b. The light is confined to the surface of the subject sign and shall not be directed so as to create a hazard or nuisance,
- c. The source of light (bulb, tube, reflectors, etc.) is shielded from the road and from adjacent properties,
- d. No source of illumination shall interfere with motorists' vision of a traffic signal light, street or directional signs or any other sign or device intended primarily for the public safety and welfare. .
- e. In a Residential Zone, any indirect lighting shall be white light installed in a manner that will prevent direct lighting from shining on to any street or nearby property and no sign shall be illuminated after 11:00 P.M.
- f. No flood or spotlighting for illumination of a sign shall be mounted higher than 20 feet above ground level.

7. **Internal Illumination** - Signs may be internally illuminated, except in a Residential Zone, provided:
- a. in an automobile-oriented district or an office district:
 - i. the sign is comprised of individual letters and/or symbols and each such letter or symbol is internally illuminated, or
 - ii. the sign panel is a durable, dark, solid, opaque background (such as metal) and only the individual letters and/or symbols appear illuminated.
 - b. in pedestrian-oriented zones, the ARB may allow internal illumination of a wall sign by 2/3 majority of those voting using:
 - i. channel style lighting (where only the letter or figure is internally illuminated and the background is not illuminated) or
 - ii. back-lighting with light fixtures that are within the letter and shine only toward the background wall.
8. **Directional Signs** -
- a. Directional signs shall be allowed where found to be appropriate so long as they do not exceed two square feet and are solely directional and contain no advertising.
 - b. In a pedestrian oriented district, a commercial use having a direct entrance on a publicly-owned parking lot may be allowed two (2) small directional signs of up to one (1) square foot each provided any such sign is limited to indicating the location of the public entrance to the establishment.
9. **Hazards Or Nuisance** -
- a. No sign shall be so placed as to be a hazard to traffic or the public generally, or a nuisance to the residents or occupants of any other building or premises.
 - b. No sign shall be erected or maintained so as to obstruct any window, door or opening used for ingress or egress or for fire-fighting purposes, or which interferes with any opening required for proper ventilation.
 - c. No sign shall be erected in such a manner so that it obstructs clear vision of any public way or drive by either motorists or pedestrians.
 - d. No sign in other than a Residential Zone shall be located so as to face any Residential Zone on the same side of the street on which the property bearing the sign fronts. This provision shall not apply to signs at right angles to the street line of such street.

Section 936.7 outlines provisions related to internal illumination of a sign.

Section 936.8 outlines for directional signs on a property in certain situations.

Section 936.9 outlines provisions related to avoiding hazards or nuisances

10. **Possible Sign Area Increase** – Due to the potential lack of visibility of a wall sign resulting from the greater building setback, the Planning and Zoning Commission may allow for a larger sign area for a wall sign in an automobile-oriented business district when there is no detached sign on the property in accordance with the following table:

Building Setback From Street	Maximum Sign Area Allowed
0-100 feet	As per Section 935.1
101-200 feet	Sign area per Section 935.1 may be increased by up to one percent (1%) for every two feet beyond 100 feet, up to a maximum of 150 percent of the base sign area subject to review and approval by ARB
201 feet or greater	150 percent of sign area as determined by Section 935.1 subject to review and approval by ARB

Section 936.10 allows for an increase in permitted sign area in situations where a building is set well back from the street in an automobile-oriented district.

11. **Non-Conforming Signs** –
- A non-conforming sign may be repainted or repaired without a sign permit so long as the sign remains unchanged.
 - Any alteration, reconstruction, enlargement, or relocation of a non-conforming sign shall require a sign permit and such sign permit shall be predicated on the sign being brought into conformance with this Section.

Section 936.11 addresses non-conforming signs. Some recent changes in Connecticut law raise questions about some of the language in the current sign regulations regarding non-conforming signs.

12. **Maintenance**– All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and in a safe condition. The owner of a sign, and the owner of the premises on which it stands, shall be responsible for keeping such sign and ground around it in a safe, sanitary, neat and clean condition.

Section 936.12 addresses sign maintenance.

13. **Severability** – If any provision of Section 930 of these Sign Regulations, or the application thereof to any person or circumstances, shall be held invalid, the invalid provisions shall be severable and such invalidity shall not affect other provisions or applications of Section 920 through Section 930 of these regulations which can be given effect without the invalid provisions or application.

Section 936.13 provides for a severability provision within the signage section in the event that any provision is challenged successfully in court..

937. Prohibited Signs

Notwithstanding any other provision of these Regulations, the following types of signs are expressly prohibited:

Section 937 identifies signs which are prohibited.

Sign Type	Description
a. Not Expressly Permitted	Any sign <u>which is</u> not expressly <u>exempt or</u> permitted <u>by</u> Section <u>930</u> of these Regulations.
b. Off-Premises Signs	Billboards and other such advertising signs and signs located other than on the lot to which they refer
c. Moving Or Flashing Sign Or Element	Flashing, iridescent, intermittent light reflecting, revolving or moving signs, changing image or images, pennants, spinners, streamers, sales signs, special promotional signs, A-frame or other eye-catching devices.
d. Illumination as Signage	Unless authorized by <u>sign permit</u> , any lighting of signage or building in such a manner as to constitute a sign.
e. Exposed Illumination	Any sign with an exposed source of illumination including string or festoon lights.
f. Sky Signs	Any sign projected into the air or placed in the air by flotation or other means.
g. Temporary Signs	Other than as <u>expressly allowed in Section 930</u> of these Regulations, temporary signs (including sandwich signs, A-frame, H-frame, <u>signs on portable storage containers</u> , and signs of similar construction) and other signs not affixed either to a building or the ground in a permanent manner.
h. Banners And Flags	Banners, except as <u>expressly allowed in Section 930</u> and flags, except as excluded by the definition of sign as found in Section 210.
i. Murals	Advertising signs painted on building walls.
j. Roof Sign	Any sign mounted on a roof or extending above the roof line of a building.
k. Hindrance To Safety	Any sign which obstructs vehicular or pedestrian circulation or directly or indirectly creates an unsafe condition for vehicles or pedestrians.

938. Sign Approval Procedures

1. **Sign Permit** – The Zoning Official may issue a **Sign Permit** for a sign without any additional reviews under any of the following circumstances:
 - a. The sign design conforms to these Regulations and is consistent with a sign theme approved by the Architectural Review Board in accordance with Section 936.2.
 - b. The sign:
 - is replacing an existing sign (conforming or non-conforming) which is being abandoned,
 - the new sign conforms to these Regulations, and
 - the new sign will be practically identical to the previous sign in terms of size, shape, color, lighting, location, and other relevant factors even though the letters and/or symbols and materials may change.
 - c. The sign design conforms to these Regulations and is practically identical to other signs on the building (or on the property) in terms of size, shape, materials, color, lighting, location, and other relevant factors.
2. **Architectural Review Board**– For other signs that otherwise conform to these Regulations:
 - a. Application shall be made to the Zoning Official for initial review of compliance with these Regulations and will then be referred to the Architectural Review Board (ARB) for review.
 - b. Upon a favorable report by the ARB, the ZEO shall issue a permit.
 - c. If the ARB should give an unfavorable report, the ZEO shall then refer the application to the Planning and Zoning Commission for review and final action.
 - d. Should the Planning and Zoning Commission approve the sign, the ZEO shall issue a permit.

Section 938 outlines sign approval procedures.

Section 938.1 allows the Zoning Enforcement Officer to issue sign permits in specific situations and avoids waiting 15-60 days for ARB review:

- Is replacing a non-conforming sign with a conforming sign
- Complies with a sign theme approved by ARB
- Consistent with a prior sign for the location
- Consistent with other signs on the property
- A new sign that is black and white (or maybe a building accent color)

Section 938.2 allows an applicant to undertake a specific sign review with the ARB even though that may take longer. This is essentially the process in use today for every sign.

Possible Option

Another option might be to allow signs to be approved by:

- The Planning and Zoning Commission by Special Permit, or
 - By the Zoning Board of Appeals by “Special Exception” (a new category of approval where the ZBA could evaluate the unique circumstances of a site but would not have to make a finding of “hardship”).
3. <<PZC or ZBA>>– For signs that do not conform to these Regulations, the applicant may apply to the <<PZC or ZBA>> for a Special <<Permit or Exception>> to authorize the sign subject to the following:
- a. Upon submission, the application shall be referred to the Architectural Review Board (ARB) for comment.
 - b. In the event that the Architectural Review Board (ARB) does not hold a meeting before the public hearing commences on the Special <<Permit or Exception>>, the <<PZC or ZBA>> shall continue the hearing to give the opportunity for the Architectural Review Board (ARB) to submit comments.
 - c. The lack of the ARB to provide comments on a timely basis shall not delay the processing of the Special <<Permit or Exception>>, application in accordance with statutory timeframes.
 - d. In deciding upon the Special <<Permit or Exception>>, request, the <<PZC or ZBA>> shall consider the following criteria in addition to any applicable criteria contained in Section 1005 of these Regulations:
 - The location, size and other aspects of the proposed sign will be in harmony with the orderly development of the area and will not alter the essential characteristics of the area,
 - The landscaping, lighting, materials and design elements of the proposed sign are attractive and suitable in relation to site characteristics, the architecture of the building and the style of other buildings in the immediate area; and
 - One or more special circumstances or conditions, which are unique to the premises and not shared by other premises in the neighborhood, diminish recognition of the business conducted therein; limit easy identification of a commercial complex; or create a potential traffic hazard. Such special circumstances or conditions shall include, but not be limited to the location of the building on the lot; location of buildings on adjacent lots; topography; or the configuration of the lot.

This Section might allow an applicant to propose an alternative signage approach to the PZC or ZBA. ARB would be asked to provide comments on the sign design or approach.

This will allow the PZC or ZBA to decide on signage and balance it with landscaping or other building / site related issues.

It could also avoid a situation where the ZBA has to make a determination of “hardship” on a variance application.

In this approach, there may not be a future situation where a sign would go to the ZBA for a variance.

Review / Revise Definition

Sign: Any sign, illustration, lettering, device, insignia or display of any kind, however made, displayed, painted, supported or attached, used for the purpose of advertisement, identification, publicity or notice of any kind, in view of the general public. ~~The term "sign" shall mean identification signs which are limited to announcing the name of the company or companies housed in the building or the name or kind of business conducted on the premises where the sign is located, or the prospective sale or rental of said premises or business conducted therein, erected or maintained by or at the direction of the owner of the business.~~ The term "sign" shall also include any flag, pennant, banner, or other device of any kind, whether with or without letters, figures or other symbol thereon, intended to advertise or attract attention to any business or commercial establishment in any zone but shall not include flags of any governmental unit or branch, or of any non-profit charitable or religious organization. ~~(See Subsection 230 for illustrations.)~~

The definition change is intended to eliminate language which implies control over sign content. Such language may be problematic and may invite "strict scrutiny" regarding the sign regulations as a whole.

If the Commission changes any zoning districts, the definitions of "Zone, Residential" and "Zone, Non-Residential" should be modified to reflect what the Commission adopts.

The description of "Pedestrian-Oriented Business Districts" and "Automobile-Oriented Zoning Districts" could be added to the definitions or this could remain in Section 932 since the signage regulations is the only place where this terminology is being used at the present time.

NOTES & COMMENTS

Handwritten notes and comments area with horizontal lines. A large, faint, diagonal watermark reading "DRAFT" is visible across the page.



Planimetrics

70 County Road, Simsbury, CT 06070 860-913-4080